

Exhibit 3

In the Matter of Gregory Royal

Case Number: 14-56-22

Agency: United States Patent and Trademark Office

STATEMENT OF LISA CAPUTO

WITNESS

On August 18, 2014, I was interviewed by the designated EEO Investigator, Lisa A. Kleine. Ms. Kleine explained to me that she was investigating allegations made by the Complainant that he was discriminated against in the form of a hostile work environment on the bases of sex (male) and race (African American/Black) since:

1. *On or about December 13, 2013, Complainant alleges his complaints of hostile work environment were not taken seriously because he is a "six foot, medium built black man" and the alleged harasser is a white woman;*
2. *On or about November 07, 2013, he was physically assaulted by a white female co-worker;*
3. *On or about December 13, 2013 and continuing Complainant alleges that his harasser has been allowed to continue to violate USPTO policies on workplace safety and conduct by bringing several knives to the workplace and threatening Complainant.*
4. *On or about July 10, 2014, he alleges he was physically assaulted in the workplace by another Agency employee whereby other examiners see him as a "punching bag" to be slapped, and nothing will happen to them for doing so.*

I was advised by Ms. Kleine of my rights as a witness/party in an EEO case, and was informed that my statement would and may be reviewed by the agency, the Office of Equal Employment Opportunity and Diversity and other interested parties, in the context of this claim. I have also been advised that there is no assurance of confidentiality as to the testimony given herein. I was also advised that I had the right to have a representative assist me in these proceedings, but chose not to.

The following represents a true and accurate summary/statement of the information that I provided to Ms. Kleine.

1. Please state your full name and identify your sex and race.

Lisa Marie Caputo. Race: Caucasian/White. Sex: Female.

2. Please indicate your current position, your grade and step, the name of your current supervisor, the length of time you have been in your current position, your Art Unit and Technology Center.

I am a Supervisory Patent Examiner in Art unit 2856, Technology Center 2800. I am a GS-15 step 5 and my supervisor Joseph Thomas. I have been a Supervisory Patent Examiner since February 2009 and have been at USPTO for 13 years.

3. Please describe your duties and responsibilities in your current position.

In the Art unit I am responsible for managing about 20 employees. I take care of administrative actions such as time sheets, processing promotions, and approving vacations/leave. In addition I coach and mentor the examiners. I help with searching and refer them to primary examiners for art searches. I review cases and help post cases for counting. In addition, I have projects and I am involved in the OEEOD training on inclusion. So basically I am responsible for running the art unit, and also special projects.

4. Do you know the Complainant in this matter Gregory Royal, and if so, explain how you know him.

He is an examiner who reports to me. I met him in September 2013 when he was hired. He came to the Art Unit in January or February 2014.

5. Do you know the Complainant's race? How do you know his race?

I assume he is African American based on observation.

6. Do you know Complainant's sex, and if so, how do you know his sex?

Yes, he is male, based on observation.

7. Based on information you received from the investigator about Complainant's Complaint, you did not witness any of the events mentioned, correct?

Correct.

8. According to information I have received, you had a discussion with Complainant after an alleged July 10, 2014 incident involving Complainant and Mr. Wei (Victor) Chan. Did you witness the incident?

No.

9. Please describe the circumstances under which it first came to your attention.

One of the directors of the Technology Center, Robin Evans contacted me. She said she had an email sent from Mr. Royal to another examiner. Robin had told me she called Karen Dean in the Human Resources office and they both communicated to me that they wanted to send a security officer to take a statement and asked if they could do it in my office so as not to have the meeting with security in Mr. Royal's office, which he shares.

10. Had there been incidents in the past?

Yes, when he was in the Academy. I was told by Matt Such, his trainer, that there had been a few altercations.

11. So when he comes to your office for the attorney phone call meeting and you discuss security coming to take a statement, what happens?

He said something to the effect of: "That's fine but I am not going to make a statement. They do not take my statements correctly. They do not portray my statements correctly." When the guards came, they could not take a statement.

I mentioned that he should try to follow the procedure again for making a statement and he was adamant that they would not categorize his statement correctly and he refused to make a statement.

12. What happened after that?

He got visibly upset. He stated, "Please leave me alone", and asked me to tell the security guards to leave and leave him alone. He was almost crying. Officer Foster left it that he if wanted to make an official statement please contact him. We postponed the attorney call for 15 min and then had the attorney interview.

13. Who came up from security?

Officer Foster and Officer Estrella

14. Were the officers USPTO security?

Yes.

15. Did there come a point in time when he reported the incident?

I don't know for sure, but see question 29.

16. What is the usual procedure to be followed where there is a conflict between employees?

I've never really had a situation like this. My supervisor has told me in the past that for any circumstance/question an examiner should first see their first line supervisor. My common sense tells me that if the supervisor is not available and the matter is serious, then they can call security.

17. Did you talk to anyone else about this incident?

I discussed it with Joe Thomas. He is my direct supervisor and needs to know what transpired when he was on leave.

18. Did you have any knowledge about any of the prior instances prior to being contacted by the EEO investigator?

Yes. I received this information from Matthew Such, who indicated Mr. Royal had asked to be moved over to the art unit earlier because the environment in the Academy was not conducive. He said there had been a few altercations. He did not specify what – my impression was it was like tempers flaring up between two of the examiners.

19. During the time Complainant has been under your supervision, have you had the opportunity to observe him interacting with other examiners?

Yes. When I went down to his office, he was with his office mate and they seemed to be getting along ok. We also have a newer examiners meeting for the people that have been there less than a year. He usually speaks up in those meetings and is available to help others. I have not seen any problems or altercations.

I have heard other examiners say he has helped them with their cases. He has offered to help another examiner study for the certification test by providing strategies for studying for the certification test.

20. Based on your observations, do you have any reason to believe that other examiners regard Complainant as "punching bag to be slapped?"

No.

21. Have you observed any other examiners treating Complainant differently?

No.

22. Have you observed Complainant being harassed or bullied in the workplace?

No.

23. Has Complainant complained to you about any harassing behavior of any kind from other Agency employees since he has been under your supervision?

He has complained about two or three people in the Academy. Violeta Prieto, Vincent Wall and Victor Chan. He complains they were not letting him speak and were disrespecting him.

24. Is this currently or was it in the past?

I believe in was in the past but also current as well. For example, he copied me on an email sent to the director of the patenting training academy over the weekend of 8/16/14 indicating that

during the proficiency test, Violeta was not supposed to be there and she was talking to someone in the cubicle next to him.

25. Have you taken any action?

No, I have not taken any specific action to this email other than to inform Joe Thomas and to see if there was any further guidance.

26. Do you plan on doing anything with this information?

No.

27. Have you had the opportunity to observe Complainant interacting with his co-workers?

Yes.

28. How would you describe those interactions?

They seem like normal interactions among examiners. They are about art, discussing cases. Nothing seems to be amiss.

29. Is there anything else about the July 10 incident that you believe is important?

As you know, on July 16 he refused to make a statement to security. Then on July 23 he emailed me and Lt. Foster and said he wanted to make a statement. Then on Sunday August 10 he sent a reminder email saying he wanted to make a statement. I had thought he already made a statement on July 23 since Lt. Foster told him to contact him directly. I spoke with Robin Evans again and she told me I should contact HR. I contacted Ms. Evans because I wanted to make sure I was following the proper procedure. I was further told to contact HR who said Mr. Royal could approach Joseph Burns, who is the Head of Security. He then met with someone on Tuesday, August 12 to make the statement. They sent out Federal Protective Service.

See the attached email and IM chain. He was not happy with the person FPS then sent out, so they sent out another person to take the statement.

30. Who did you contact in HR?

I tried to contact Karen Dean but she was on leave, so I needed to contact Anne Mendez. Ms. Mendez advised me to make sure he got interfaced with security. She indicated I should send Mr. Royal an email to contact Joseph Burns, Head of Security.

31. Do you have any reason to believe, based on your observations, that Mr. Royal is being subjected to a hostile or offensive work environment based on his race?

No.

32. Why not?

Because as I mentioned earlier, whenever I see him interacting with co-examiners in our art unit, he seems to be talking about cases, joking around about weather, and in meetings, people seem to listen to what he says. Plus he has not complained about anyone in our Art Unit. People generally treat each other with respect.

33. What about outside the Art unit?

I have no basis for answering that question.

34. Do you have any reason to believe, based on your observations, that Mr. Royal is being subjected to a hostile work environment based on his sex?

No.

35. Why not?

See my response above to number 32 above.

36. Is there anything else you think I should know about the situation with Mr. Royal?

I have not had anything contentious with him. In our Art Unit, people treat each other with mutual respect. It is a little confusing and frustrating for me, and I really don't have any basis for what might have happened. I don't know what happened.

37. Did anyone from Human Resources (HR) or the Office of General Counsel (Legal) review your Affidavit or assist you with your responses before you signed and submitted your Affidavit to the Investigator? If the answer is yes, please provide the name, position and title of that individual(s) along with the Agency office to which s/he is assigned.

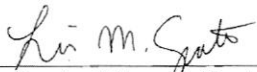
ANSWER:

My supervisor, Joseph Thomas, Director of TC 2800 has reviewed my affidavit.

An attorney from the USPTO Office of General Law has reviewed my affidavit.

OATH

I, Lisa Caputo, have read the above statement/affidavit and being duly informed, and understanding the penalties of perjury; duly swear under oath that the statements made in this Affidavit are true and correct, and complete, to the best of my knowledge.



Lisa Caputo, Witness/Affiant

Dated: 9/3/14

Subscribed and sworn to me this 3rd day of September, 2014.



Lisa A. Kleine, EEO investigator, or Notary Public